

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track One Cases

MDL 2804

Case No. 17-d-2804

Hon. Dan Aaron Polster

IN LIMINE EVIDENTIARY STIPULATIONS

Plaintiffs, the Cuyahoga and Summit County Governments, and the remaining defendants¹ in the Track One trial hereby stipulate and agree that neither party, their counsel, or their witnesses shall offer evidence or argument of the following in the presence of the jury:

1. any reference to the parties' or counsels' use of jury consultants or mock juries or related trial resources;
2. any reference to or mention of military service, other or prior employment, religious affiliations or positions, or other personal experience of the parties' counsel (including staff);

¹ AmerisourceBergen Drug Corporation and AmerisourceBergen Corporation; Cardinal Health, Inc.; Henry Schein, Inc. and Henry Schein Medical Systems, Inc.; Johnson & Johnson, Janssen Pharmaceuticals Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively, "Janssen"); McKesson Corporation; Cephalon, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries Ltd. (collectively, "Teva Defendants"); Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida (collectively, "Actavis Generic Defendants"); Walgreen Co. and Walgreen Eastern Co. Teva Pharmaceutical Industries Ltd. has asserted and continues to assert that it is not subject to personal jurisdiction and is specially appearing to join this submission; thus, it does not waive and continues to contest personal jurisdiction and to preserve its pending personal jurisdiction challenge.

3. any comment or inference that bolsters the unchallenged character (e.g., honest) or traits (e.g., generous) of any party's current or former employees, managers, consultants, witnesses, experts, agents, or fiduciaries preemptively (e.g., "Do you know Mr. X? Yes, he is a good person of impeccable integrity.");

4. any reference to any party possessing or maintaining liability insurance, to the coverage limits of any such insurance, or the possibility that this litigation might cause an increase in the cost of purchasing or maintaining such insurance;

5. any reference to or mention of any settlement demands, offers, or negotiations between plaintiffs and any defendant participating in the trial;

6. any reference to or mention of the refusal of a party to enter into a stipulation prior to or during trial or any request in the presence of the jury for a new stipulation or revision to an existing stipulation;

7. any reference suggesting that plaintiffs would be entitled to treble damages if they prevail on certain claims; or

8. any reference to the religious views of any witnesses in an attempt to attack or support the witness's credibility.

Dated: September 25, 2019

Respectfully Submitted,

/s/Paul J. Hanly, Jr.

Paul J. Hanly, Jr.
SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
(212) 784-6400
(212) 213-5949 (fax)
phanly@simmonsfirm.com

Plaintiffs' Co-Lead Counsel

/s/ Joseph F. Rice

Joseph F. Rice
MOTLEY RICE
28 Bridgeside Blvd.
Mt. Pleasant, SC 29464
(843) 216-9000
(843) 216-9290 (Fax)
jrice@motleyrice.com

Plaintiffs' Co-Lead Counsel

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr.
GREENE KETCHUM, LLP
419 Eleventh Street
Huntington, WV 25701
(304) 525-9115
(800) 479-0053
(304) 529-3284 (Fax)
paul@greeneketchum.com

Plaintiffs' Co-Lead Counsel

/s/ Peter H. Weinberger

Peter H. Weinberger (0022076)
SPANGENBERG SHIBLEY & LIBER
1001 Lakeside Avenue East, Suite 1700
Cleveland, OH 44114
(216) 696-3232
(216) 696-3924 (Fax)
pweinberger@spanglaw.com

Plaintiffs' Liaison Counsel

/s/ W. Mark Lanier

W. Mark Lanier
THE LANIER LAW FIRM
6810 FM 1960 Rd W
Houston, TX 77069-3804
(713) 659-5200
(713) 659-2204 (Fax)
wml@lanierlawfirm.com

Lead Trial Counsel

/s/ Hunter J. Shkolnik

Hunter J. Shkolnik
NAPOLI SHKOLNIK
360 Lexington Ave., 11th Floor
New York, NY 10017
(212) 397-1000
(646) 843-7603 (Fax)
hunter@napolilaw.com

Counsel for Plaintiff Cuyahoga County, Ohio

/s/ Linda Singer

Linda Singer
MOTLEY RICE LLC
401 9th St. NW, Suite 1001
Washington, DC 20004
(202) 386-9626 x5626
(202) 386-9622 (Fax)
lsinger@motleyrice.com

Counsel for Plaintiff Summit County, Ohio

/s/ Geoffrey E. Hobart

Geoffrey E. Hobart
Mark H. Lynch
Sonya D. Winner
COVINGTON & BURLING LLP
One CityCenter
850 Tenth Street NW
Washington, DC 20001
Tel: (202) 662-5281
ghobart@cov.com
mlynch@cov.com
swinner@cov.com

Counsel for McKesson Corporation

/s/ Robert A. Nicholas

Robert A. Nicholas
Shannon E. McClure
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Tel: (215) 851-8100
Fax: (215) 851-1420
rnicholas@reedsmith.com
smcclure@reedsmith.com

Counsel for AmerisourceBergen Drug Corporation

/s/ Enu Mainigi

Enu Mainigi
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
Tel: (202) 434-5000
Fax: (202) 434-5029
emainigi@wc.com

Counsel for Cardinal Health, Inc.

/s/ Kaspar Stoffelmayr

Kaspar Stoffelmayr
Brian C. Swanson
Katherine M. Swift
Matthew W. Brewer
BARTLIT BECK LLP
54 West Hubbard Street
Chicago, IL 60654
Tel: (312) 494-4400
Fax: (312) 494-4440
kaspar.stoffelmayr@bartlitbeck.com
brian.swanson@bartlitbeck.com
kate.swift@bartlitbeck.com
matthew.brewer@bartlitbeck.com

Alex J. Harris
BARTLIT BECK LLP
1801 Wewatta Street, Suite 1200
Denver, CO 80202
Tel: (303) 592-3100
Fax: (303) 592-3140
alex.harris@bartlitbeck.com

Counsel for Walgreen Co. and Walgreen Eastern Co.

/s/ Steven A. Reed
Steven A. Reed
Eric W. Sitarchuk
Harvey Bartle
Rebecca J. Hillyer
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103-2921
Tel: (215) 963-5000
Fax: (215) 963-5001
steven.reed@morganlewis.com
eric.sitarchuk@morganlewis.com
harvey.bartle@morganlewis.com
rebecca.hillyer@morganlewis.com

Nancy L. Patterson
MORGAN, LEWIS & BOCKIUS LLP
1000 Louisiana Street, Suite 4000
Houston, Texas 77002-5005
Tel: (713) 890-5195
Fax: (713) 890-5001
nancy.patterson@morganlewis.com

Wendy West Feinstein
MORGAN, LEWIS & BOCKIUS LLP
One Oxford Centre, Thirty-Second Floor
Pittsburgh, PA 15219-6401
Tel: (412) 560-7455
Fax: (412) 560-7001
wendy.feinstein@morganlewis.com

Brian M. Ercole
MORGAN, LEWIS & BOCKIUS LLP
200 S. Biscayne Blvd., Suite 5300
Miami, FL 33131-2339
Tel: (305) 415-3000
brian.ercole@morganlewis.com

*Counsel for Teva Pharmaceuticals USA, Inc.,
Cephalon, Inc., Watson Laboratories, Inc.,
Actavis LLC, Actavis Pharma, Inc. f/k/a
Watson Pharma, Inc., Warner Chilcott
Company, LLC, Actavis South Atlantic LLC,
Actavis Elizabeth LLC, Actavis Mid Atlantic
LLC, Actavis Totowa LLC, Actavis Kadian
LLC, Actavis Laboratories UT, Inc. f/k/a
Watson Laboratories, Inc.-Salt Lake City, and
Actavis Laboratories FL, Inc., f/k/a Watson
Laboratories, Inc.-Florida and specially
appearing Teva Pharmaceutical Industries,
Ltd.*

/s/ Charles C. Lifland
Charles C. Lifland
Sabrina H. Strong
O'MELVENY & MYERS LLP
400 S. Hope Street
Los Angeles, CA 90071
Tel: (213) 430-6000
clifland@omm.com
sstrong@omm.com

Daniel M. Petrocelli
Amy R. Lucas
O'MELVENY & MYERS LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067-6035
Tel: (310) 553-6700
dpetrocelli@omm.com
alucas@omm.com

*Counsel for Janssen Pharmaceuticals, Inc.,
Johnson & Johnson, Janssen Pharmaceutica,
Inc. n/k/a Janssen Pharmaceuticals, Inc., and
Ortho-McNeil-Janssen Pharmaceuticals, Inc.
n/k/a Janssen Pharmaceuticals, Inc.*

/s/ John P. McDonald

John P. McDonald

C. Scott Jones

Lauren M. Fincher

Brandan J. Montminy

LOCKE LORD LLP

2200 Ross Avenue, Suite 2800

Dallas, TX 75201

Tel: (214) 740-8000

Fax: (214) 756-8758

jpmcdonald@lockelord.com

sjones@lockelord.com

lfincher@lockelord.com

brandan.montminy@lockelord.com

*Counsel for Henry Schein, Inc. and Henry
Schein Medical Systems, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September, 2019, the foregoing has been served via CM/ECF to all counsel of record.

/s/Peter H. Weinberger
Peter H. Weinberger

Plaintiffs' Liaison Counsel